

1 MELINDA HAAG (CSBN 132612)  
United States Attorney  
2 JOANN M. SWANSON (CSBN 88143)  
Chief, Civil Division  
3 ANN MARIE REDING (CSBN 226864)  
Assistant United States Attorney

4 450 Golden Gate Avenue, Box 36055  
5 San Francisco, California 94102-3495  
6 Telephone: (415) 436-6813  
Facsimile: (415) 436-6748  
7 E-Mail: Annie.Reding@usdoj.gov

8 Attorneys for Defendant

9 MURLENE J. RANDLE, State Bar #098124  
Law Offices of Murlene J. Randle

10 235 Montgomery Street, Suite 716  
San Francisco, California 94104  
11 Telephone: (415) 352-0189  
Facsimile: (415) 352-0187  
12 E-Mail: Murlene@Randlelawoffices.com

13 Attorney for Plaintiffs

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 RAQUEL HERNANDEZ and CARLOS ) No. C 10-4198 TEH (LB)  
18 HERNANDEZ, )  
19 Plaintiffs, )  
20 v. )  
21 THOMAS VILSACK, Secretary of the U.S. )  
Department of Agriculture, )  
22 Defendant. )  
23 \_\_\_\_\_)

**STIPULATION AND PROPOSED  
ORDER TO CONTINUE MEDIATION  
DEADLINE AND SETTLEMENT  
CONFERENCE**

24 Pursuant to Local Civil Rules 6-1 and 6-2, Defendant Thomas Vilsack, Secretary of the  
25 United States Department of Agriculture (“Defendant”) and Plaintiffs Raquel and Carlos  
26 Hernandez (“Plaintiffs”), by and through their respective counsel, hereby jointly and  
27 respectfully request that the Court continue the September 10, 2011 mediation deadline to  
28

STIPULATION AND PROPOSED ORDER TO CONTINUE MEDIATION DEADLINE  
AND SETTLEMENT CONFERENCE

C 10-4198 TEH (LB)

1      October 21, 2011 and continue the November 8, 2011 settlement conference with Magistrate  
 2      Judge Laurel Beeler until June 19, 2012, which is closer to the September 25, 2012 trial in the  
 3      above-captioned matter. In accordance with Local Civil Rule 6-2(a), this stipulation is supported  
 4      by the Declarations of Ann Marie Reding and Murlene Randle and a proposed order, which are  
 5      filed herewith. The parties stipulate as follows:

6            1.      On September 16, 2011, Plaintiffs filed their Complaint for Damages, Declaratory  
 7      & Equitable Relief. *See* Docket No. 1.

8            2.      On February 23, 2011, the Court signed the parties' Stipulation and Order  
 9      Selecting ADR and referred this case to mediation. *See* Docket No. 15.

10           3.      On March 14, 2011, the Court entered an Order for Pretrial Preparation, setting  
 11     this case for a jury trial on September 25, 2012 and referring this case to a magistrate judge for a  
 12     mandatory settlement conference no later than 5 calendar days before trial. On the same day, the  
 13     Court ordered the parties to complete mediation by September 10, 2011. *See* Docket Nos. 19  
 14     and 20, ¶ 8.

15           4.      On March 17, 2011, the Court issued a Notice and Order re Settlement  
 16     Conference, setting this matter for a settlement conference before Magistrate Judge Laurel  
 17     Beeler on November 8, 2011 at 9:30 a.m. *See* Docket No. 21.

18           3.      On March 29, 2011, the Court appointed Jody I. LeWitter as the mediator for this  
 19     case and *See* Docket No. 24.

20           4.      On May 13, 2011, the parties had a telephone conference with Ms. LeWitter and  
 21     agreed to a mediation date of September 7, 2011. *See* Declarations of Ann Marie Reding  
 22     ("Reding Decl."), ¶ 2; Declaration of Murlene Randle ("Randle Decl."), ¶ 5.

23           5.      Due to the unavailability of the parties and of counsel, the parties will not be able  
 24     to conduct necessary discovery prior to the September 10, 2011 mediation deadline. *See* Reding  
 25     Decl., ¶¶ 3-6; Randle Decl., ¶¶ 6-12.

26           6.      The parties, however, have agreed to a deposition schedule and a new mediation  
 27     date of October 19, 2011. The parties have also confirmed that Ms. LeWitter is available to  
 28

STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE MEDIATION DEADLINE  
 AND SETTLEMENT CONFERENCE

C 10-4198 TEH (LB)

1 mediate this case on October 19, 2011. *See* Reding Decl., ¶¶ 7-8; Randle Decl., ¶ 12.

2       7.      Based on the foregoing, the parties respectfully request that the Honorable  
3 District Court Judge Thelton Henderson continue the mediation deadline from September 10,  
4 2011 to October 21, 2011 so that the parties will have time to conduct necessary discovery and  
5 will be able to prepare for a meaningful mediation session with Ms. LeWitter. *See* Reding Decl.,  
6 ¶ 10; Randle Decl., ¶ 13.

7       8.      The parties further jointly and respectfully request that the Honorable Magistrate  
8 Judge Laurel Beeler continue the mandatory settlement conference from November 8, 2011 until  
9 a June 19, 2012, which is closer to the September 25, 2012 trial in this matter. The parties  
10 believe that the mandatory settlement conference was scheduled for November 8, 2011 in error,  
11 as Judge Henderson had also ordered the parties to mediation, due to be completed very close in  
12 time to the settlement conference with Judge Beeler. *See* Reding Decl., ¶ 11; Randle Decl., ¶ 14.

13       9.      Other than a stipulation between the parties to extend the time for Defendant to  
14 respond to Plaintiffs' Complaint, and an request at the initial case management conference to  
15 extend the mediation to September 10, 2011, no prior extensions of time have been requested or  
16 granted. *See* Reding Decl., ¶ 12; Randle Decl., ¶ 15

17       ///

18       ///

19       ///

20       ///

21       ///

22       ///

23       ///

24       ///

25       ///

26       ///

27       ///

28

STIPULATION AND PROPOSED ORDER TO CONTINUE MEDIATION DEADLINE  
AND SETTLEMENT CONFERENCE

C 10-4198 TEH (LB)

10. The only impact the requested modifications will have on this case is to delay the mediation for six (6) weeks and move the mandatory settlement conference closer to the September 25, 2012 trial date. No party will be prejudiced by the proposed modifications. *See* Reding Decl., ¶ 13; Randle Decl., ¶ 15.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

Dated: July 26, 2011

Respectfully submitted,

MELINDA HAAG  
United States Attorney

/s/ Ann Marie Reding  
ANN MARIE REDING  
Assistant United States Attorney  
Attorneys for Defendant

Dated: July 26, 2011

/s/ Murlene Randle  
MURLENE J. RANDLE  
Attorney for Plaintiffs

## **PROPOSED ORDER**

Plaintiff and Defendant's stipulated request to continue the mediation deadline from September 10, 2011 to October 21, 2011 is hereby **GRANTED**.

Dated: \_\_\_\_\_

**THELTON E. HENDERSON  
United States District Court Judge**

## PROPOSED ORDER

Plaintiff and Defendant's stipulated request to continue the mandatory settlement conference from November 8, 2011, 9:30 a.m. to June 19, 2012, at 9:30 a.m., is hereby **GRANTED**. The Notice and Order Regarding the Settlement Conference filed on March 1, 2011, remains in full affect.

Dated: July 28, 2011

---

LAUREL BEELER  
United States Magistrate Judge